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Application No.: 09/611,955

JUN 01 2005

Docket No.: 20136-00318-US

Docket No.: F19-97-205US2
(20136-00318-US)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Cyprian E. Uzoh et al.

Application No.: 09/611,955

Confirmation No.: 6678

Filed: July 6, 2000

Art Unit: 2818

For: METHOD TO SELECTIVELY FILL
RECESSES WITH CONDUCTIVE METAL

Examiner: H. K. Vu

PETITION TO THE COMMISSIONER UNDER 37 C.F.R. 1.181

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition to the Commissioner is in response to the Communication dated April 7, 2004.

Statement of Facts

In the Final Rejection, the Examiner objected to the Specification as containing new matter and rejected claims 25 and 31-32 as containing new matter in the recitation "recesses located in at least one major surface of said semiconductor substrate." These issues were addressed by Applicants in the Appeal Brief filed November 25, 2003.

The Examiner then issued the communication dated April 7, 2004 that stated the Appeal Brief was improper because it addressed the above objections in addition to the other rejections of the claims and that these objections were petitionable not appealable. Also in that communication, the Examiner objected to the drawings under 37 C.F.R. §1.83(a).

Concerning the objection to the drawings, attached are copies of the amended drawings filed on July 31, 2003 in response to the Office Action dated May 29, 2003. These drawings

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illustrate insulation layer 3 located over at least one major surface of substrate 13 and in recesses in the substrate 13. Accordingly, new drawings are not deemed necessary.

In response to the objection to the specification and claims in reciting new matter, a Reply Brief has been filed pointing out why these objections are actually appealable. In addition, as discussed below, in the event these matters are not deemed appealable, it is requested that the Commissioner review these objections and find that the amendments to the specifications and claims did not introduce any new matter.

Points to Review

Do claims 25 and 31-32 and the specification contain new matter in the recitation "recess located in at least one major surface of said semiconductor substrate"?

Action Requested

The specification was objected as containing new matter under 35 U.S.C. §132 and claims 25 and 31-32 were objected to in the recitation "recesses located in at least one major surface of said semiconductor substrate."

The objection to the specification as containing new matter and the objection to claims 25 and 31-32 are not deemed tenable. The specification as originally filed explicitly discloses that recesses are formed in at least one major surface of the semiconductor substrate. For instance see page 1, lines 14-16 of the original disclosure that state:

This is achieved by selectively plating recesses in a semiconductor substrate with conductive metal such as cooper or gold.

Also, see original claim 25 as filed which states "recesses located in at least one major surface of said semiconductor substrate." In addition, see the original Abstract of the Disclosure that states:

Recesses in a semiconductor structure are selectively plated...

Accordingly, the above recitation is not new matter and claims 25 and 32 properly recite "in".

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The mere filing of proposed amended drawings, dated July 16, 2002 does not detract from the original disclosure and what is taught therein. The proposed drawings filed subsequent to the original filing of the application is not sufficient basis to conclude the presence of new matter. It seems implausible to rely more heavily upon material presented after filing than on originally disclosed subject matter.

Conclusion

In view of the above, it is abundantly clear that the Primary Examiner has erred in concluding that the specification and claims 25 and 31-32 contain new matter. It is therefore, requested that the Commissioner find that the specification and claims do not contain new matter. It is also requested, as discussed, that the Commissioner determine that new amended drawings are not required.

The Commissioner is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to Deposit Account No. 09-0458, under Order No. 20136-00318-US from which the undersigned is authorized to draw.

Dated: 6-3-04

Respectfully submitted,

By 

Burton A. Amernick

Registration No.: 24,852

CONNOLLY BOVE LODGE & HUTZ LLP

1990 M Street, N.W., Suite 800

Washington, DC 20036-3425

(202) 331-7111

(202) 293-6229 (Fax)

Attorney for Applicant

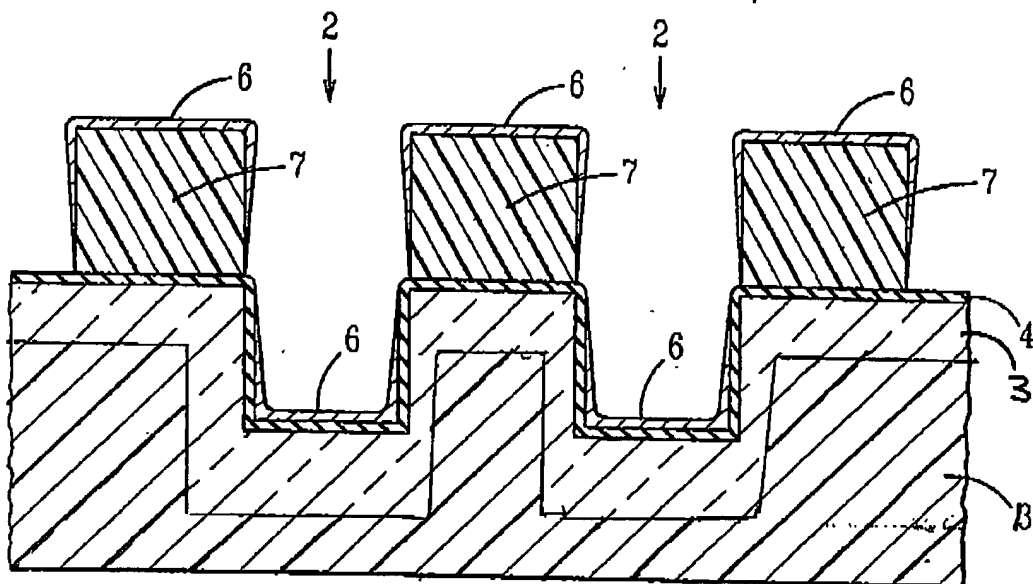


FIG. 6

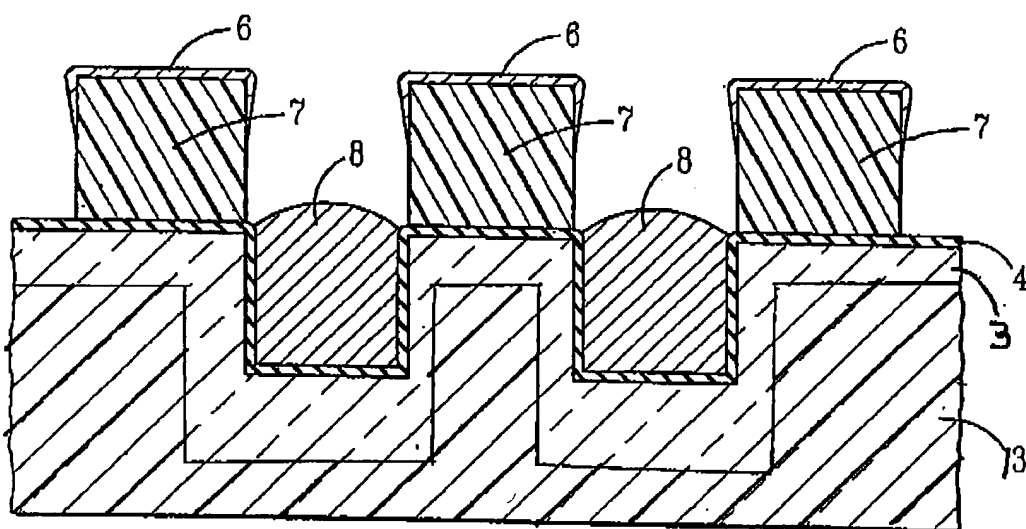


FIG. 7

App1. No. 09/611,955

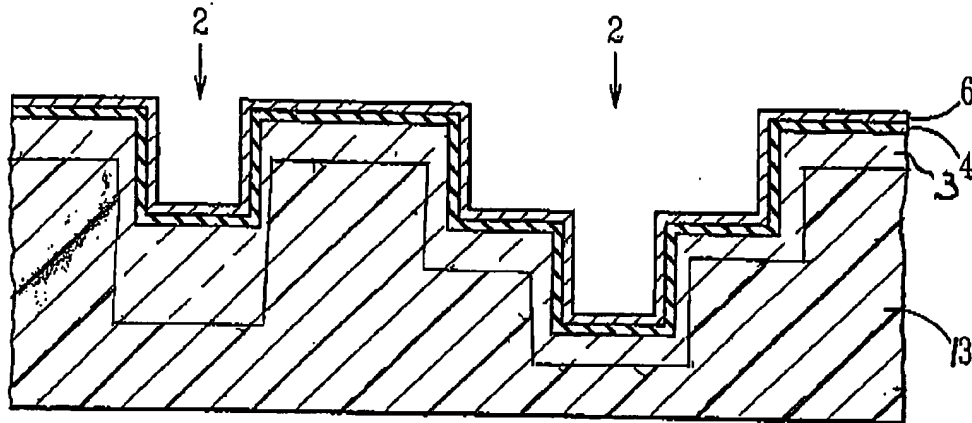
Reply to Office Action of May 29, 2003
Replacement Sheet

FIG. 1

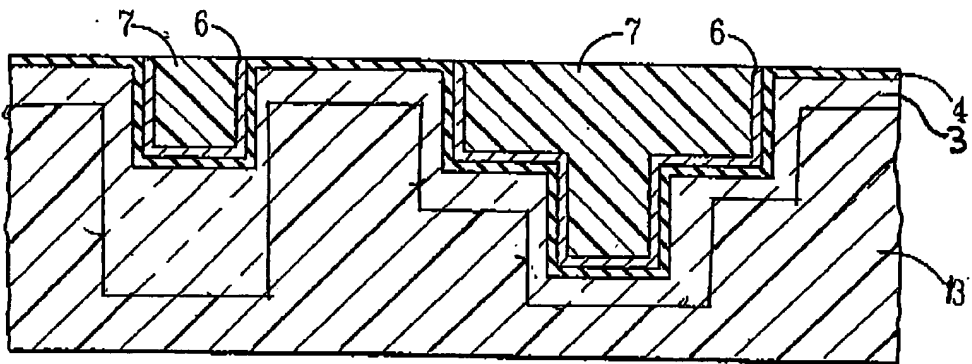


FIG. 2

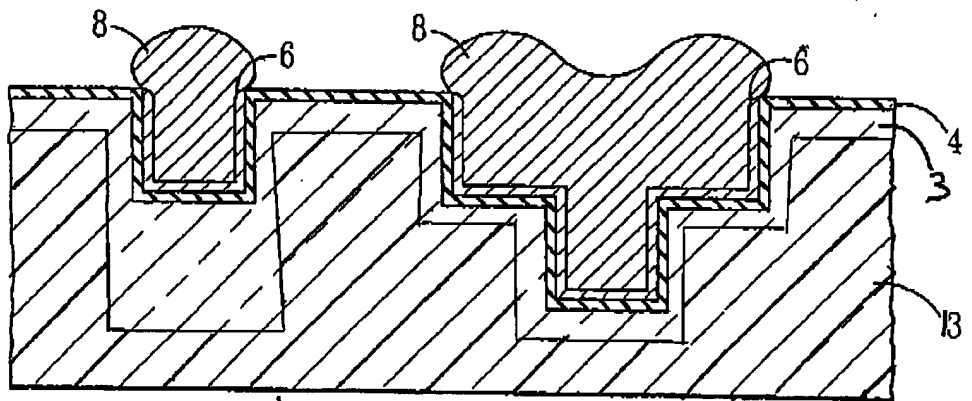


FIG. 3

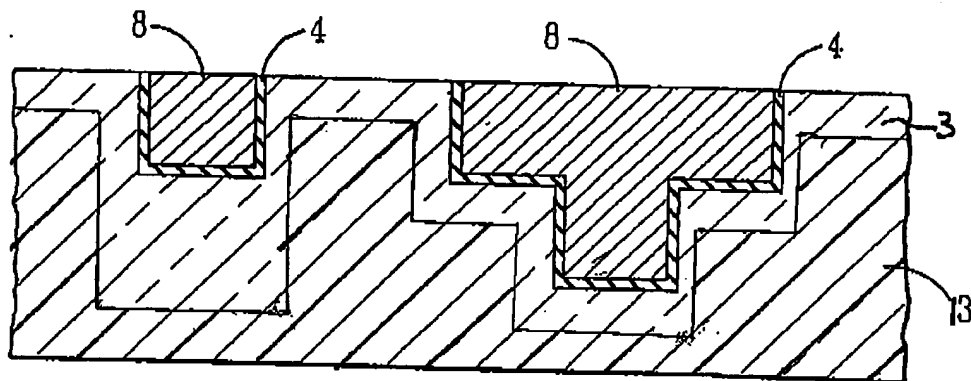


FIG. 4

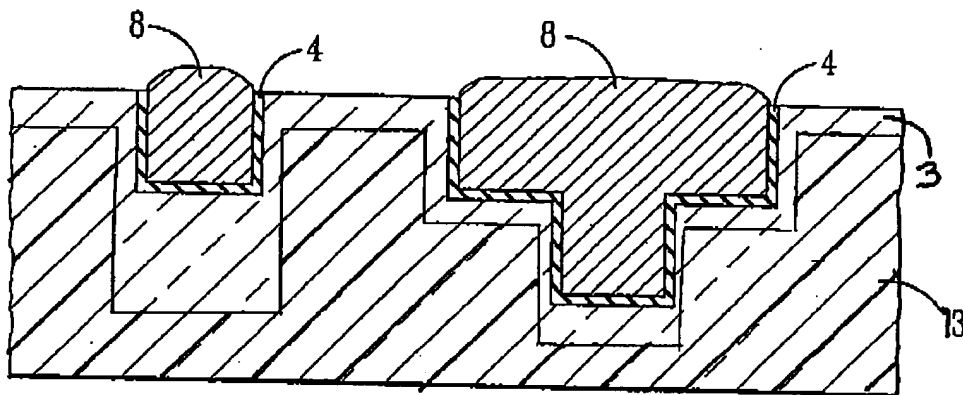


FIG. 5

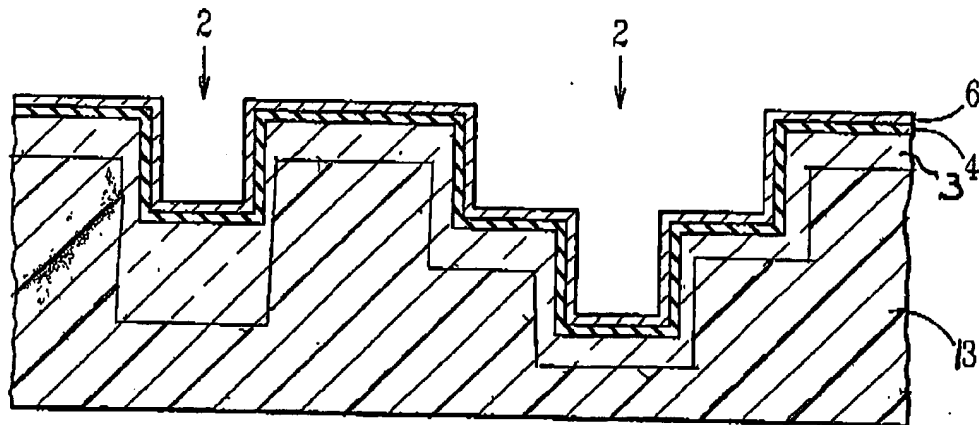


FIG. 1

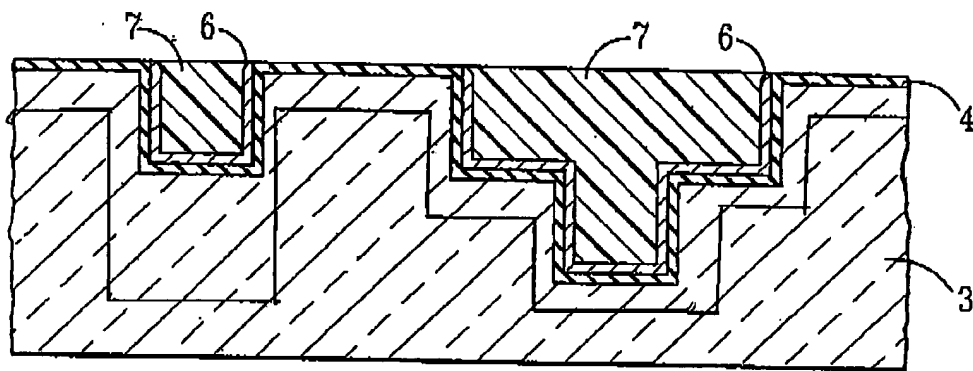


FIG. 2

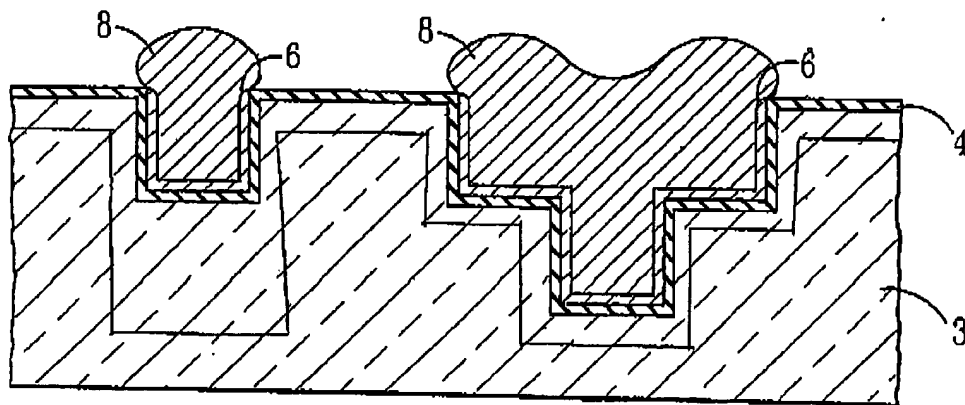


FIG. 3

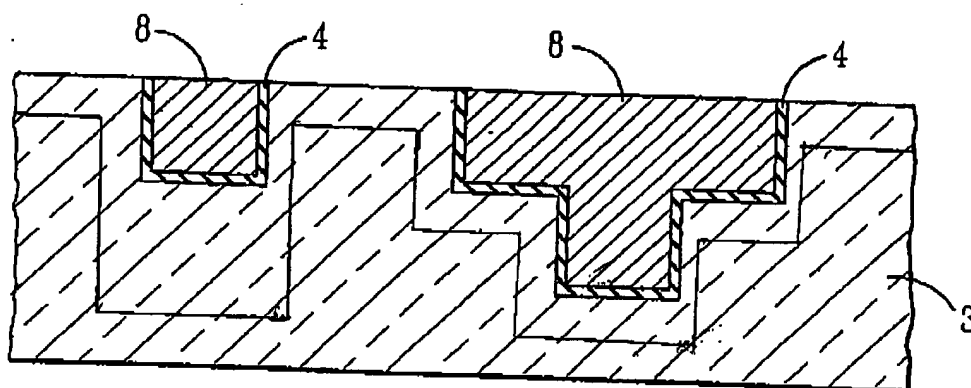
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FIG. 4

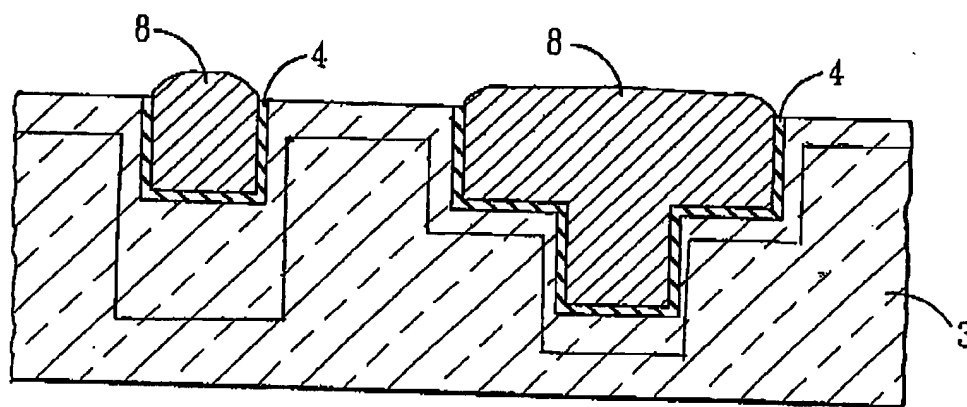


FIG. 5

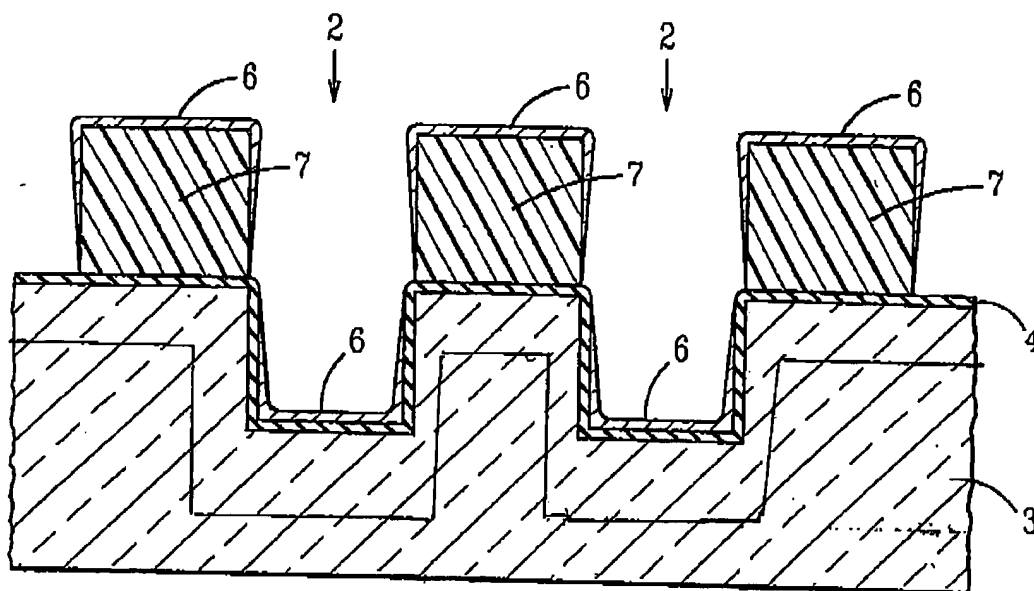


FIG. 6

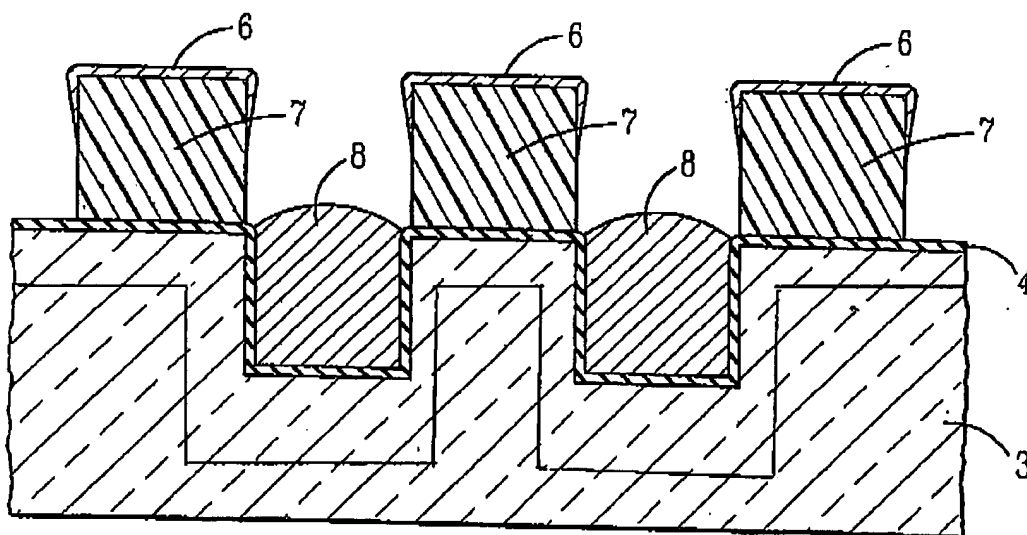


FIG. 7

PTO/SS/17 (10-03)
Approved for use through 7/31/2005. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

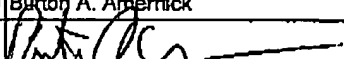
TOTAL AMOUNT OF PAYMENT		(\$) 130.00	
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Complete if Known	
Application Number	09/811,955-Conf. #8678
Filing Date	July 6, 2000
First Named Inventor	Cyprian E. Uzoh
Examiner Name	H. K. Vu
Art Unit	2818
Attorney Docket No.	20136-00318-US

<p>METHOD OF PAYMENT (check all that apply)</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None</p> <p><input checked="" type="checkbox"/> Deposit Account:</p> <p>Deposit Account Number: 09-0458</p> <p>Deposit Account Name: IBM Corporation (Fishkill)</p> <p>The Director is authorized to: (check all that apply)</p> <p><input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments</p> <p><input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)</p> <p><input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.</p>	<p>FEE CALCULATION (continued)</p> <p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or cash</td> <td></td> </tr> <tr> <td>1052</td> <td>60</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of \$IR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting publication of \$IR after Examiner action</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>2,010</td> <td>2255</td> <td>1,005</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1401</td> <td>330</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>330</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1403</td> <td>290</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - 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late filing fee or cash		1052	60	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of \$IR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of \$IR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1480	130	1480	130	Petitions to the Commissioner	130.00	1807	50	1807	50	Processing fee under 37 CFR 1.17(a)		1808	100	1808	100	Submission of Information Disclosure Sheet		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application	
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2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE																																									
<p>Total Claims: 7 -40** = 0.00</p> <p>Independent Claims: 1 -6** = 0.00</p> <p>Multiple Dependent: 0 = 0.00</p>	<p>SUBTOTAL (2) (\$) 0.00</p>																																								

**or number previously paid, if greater. For Reissues, see above

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Burton A. Amernick	Registration No. (Attorney/Agent)	24,852
Signature		Telephone	(202) 331-7111
		Date	6-3-04

PTO/SB/17 (10-03)
Approved for use through 7/31/2006. OMB 0851-0032
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		Filing Date	July 6, 2000
		First Named Inventor	Cypran E. Uzoh
		Examiner Name	H. K. Vu
		Art Unit	2818
		Attorney Docket No.	20136-00318-US

<p>METHOD OF PAYMENT (check all that apply)</p> <p><input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None</p> <p><input checked="" type="checkbox"/> Deposit Account:</p> <p>Deposit Account Number: 09-0458</p> <p>Deposit Account Name: IBM Corporation (Fishkill)</p> <p>The Director is authorized to: (check all that apply)</p> <p><input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit all overpayments</p> <p><input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)</p> <p><input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.</p>	<p>FEE CALCULATION (continued)</p> <p>3. ADDITIONAL FEES</p> <table border="1"> <thead> <tr> <th>Large Entity Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to Institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,330</td><td>2501</td><td>665</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502</td><td>480</td><td>2502</td><td>240</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>640</td><td>2503</td><td>320</td><td>Plant issue fee</td><td></td></tr> <tr><td>1480</td><td>130</td><td>1480</td><td>130</td><td>Petitions to the Commissioner</td><td>130.00</td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(e)</td><td></td></tr> <tr><td>1808</td><td>180</td><td>1808</td><td>180</td><td>Submission of Information Disclosure Stmt.</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809</td><td>770</td><td>2809</td><td>385</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>770</td><td>2810</td><td>385</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>770</td><td>2801</td><td>385</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>	Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	280	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to Institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,330	2501	665	Utility issue fee (or reissue)		1502	480	2502	240	Design issue fee		1503	640	2503	320	Plant issue fee		1480	130	1480	130	Petitions to the Commissioner	130.00	1807	50	1807	50	Processing fee under 37 CFR 1.17(e)		1808	180	1808	180	Submission of Information Disclosure Stmt.		8021	40	8021	40	Recording each patent assignment per property (times number of properties)		1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))		1801	770	2801	385	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application	
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*or number previously paid, if greater. For Reissues, see above

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Burton A. Amernick	Registration No. (Attorney/Agent)	24,852
Signature		Telephone	(202) 331-7111
		Date	6-3-04